

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: ASBESTOS PRODUCTS  
LITIGATION (NO. VI)**

**(U.S. D.C. Middle District of  
Alabama, Case No. 2:09-CV-565)**

**DORIS ELLISON, Individually and  
as Personal Representation of the  
Estate of PERRY MOZELL  
ELLISON,**

**MDL 875**

**Plaintiff,**

**C. A. No. CV-09-90809-EDPA**

**vs.**

**ABESTOS DEFENDANTS,**

**Defendants.**

**UNOPPOSED MOTION TO SUBSTITUTE KOBE STEEL, LTD. AS  
DEFENDANT INSTEAD AND IN PLACE OF KOBE STEEL USA INC.  
AND KOBELCO CONSTRUCTION MACHINERY AMERICA, LLP**

COMES NOW, KOBE STEEL, LTD., by and through the undersigned counsel, and moves this Court to substitute KOBE STEEL, LTD. as a defendant in this case, instead and in place of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP. In support of this unopposed motion, Kobe Steel, Ltd. states as follows:

1. Plaintiff identified Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP as defendants in its First Amended Complaint.

2. Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP were incorrectly named as defendants in this action. The properly named entity is KOBE STEEL, LTD.
3. KOBE STEEL, LTD. raised this issue with Plaintiff's counsel, and Plaintiff's counsel agreed to the substitution.
4. On July 20, 2009, Plaintiff's counsel filed an "Unopposed Motion to Substitute Kobe Steel, Ltd. as Defendant Instead and In Place Of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP." That filing was filed under an incorrect case number, however.
5. KOBE STEEL, LTD. hereby requests an order from the Court substituting KOBE STEEL, LTD. for Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP so that the proper entity may be identified.

WHEREFORE, KOBE STEEL, LTD. respectfully requests an order from this Court allowing the substitution of KOBE STEEL, LTD. as defendant instead and in place of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP, and that in all instances in which Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP are identified in any pleadings and papers filed in this proceeding, that such pleadings and papers be deemed amended to substitute KOBE STEEL, LTD. instead and in place of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP. KOBE STEEL, LTD. also

requests that Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP be dismissed from this case without prejudice.

A proposed order is enclosed for the Court's consideration.

Respectfully submitted this 21st day of July, 2010.

/s/ Haley A. Cox

*Attorneys for Defendant Kobe Steel, Ltd. (improperly identified as Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP)*

OF COUNSEL:

W. Larkin Radney  
Haley Andrews Cox  
**LIGHTFOOT, FRANKLIN & WHITE,  
LLC**  
The Clark Building  
400 20th Street North  
Birmingham, AL 35203-3200  
Telephone: (205) 581-1519  
Facsimile: (205) 380-9105

**CERTIFICATE OF SERVICE**

This is to certify that on this 21st day of July, 2010, a true and correct copy of the foregoing was served on all counsel of record through the Court's CM/ECF system via electronic mail.

/s/ Haley A. Cox\_\_\_\_\_

Of Counsel

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: ASBESTOS PRODUCTS LITIGATION (NO. VI)</b>	<b>(U.S. D.C. Middle District of Alabama, Case No. 2:09-CV-565)</b>
<b>DORIS ELLISON, Individually and as Personal Representation of the Estate of PERRY MOZELL ELLISON,</b>	<b>MDL 875</b>
<b>Plaintiff,</b>	<b>C. A. No. CV-09-90809-EDPA</b>
<b>vs.</b>	
<b>ABESTOS DEFENDANTS,</b>	
<b>Defendants.</b>	

**ORDER**

Having considered the Unopposed Motion to Substitute KOBE STEEL, LTD. as Defendant Instead and In Place of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP (“Motion to Substitute”), the Court hereby orders the substitution of KOBE STEEL, LTD. as defendant instead and in place of Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP. In all instances in which Kobe Steel USA Inc. and/or Kobelco Construction Machinery America, LLP are identified in any pleadings and papers filed in this proceeding, such pleadings and papers are deemed amended to substitute KOBE STEEL, LTD. instead and in place of Kobe Steel USA Inc. and Kobelco Construction Machinery

America, LLP. Furthermore, Kobe Steel USA Inc. and Kobelco Construction Machinery America, LLP are hereby dismissed from the instant case without prejudice.

Done and ordered this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

District Court Judge

cc: All counsel of record